



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO  
Attorney General

CRIMINAL DIVISION  
Federal Habeas Corpus Section

May 13, 2008

BY FACSIMILE

Honorable James C. Francis IV  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street, Room 2270  
New York, New York 10007-1312  
Fax: (212) 805-7930

Re: Marasa v. Alexander  
08 CV 2066 (PAC) (JAF)

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 5/15/08

Dear Judge Francis:

I am writing to clarify Your Honor's Rule 4 order, dated March 31, 2008, in which respondent is directed to file an answer to the petition "raising all available defenses no later than May 30, 2008." By my calculation, the petition is two days untimely, and I am requesting permission to file a motion to dismiss the petition without addressing the merits. Although I normally would incorporate an untimeliness argument into my complete answer, the transcript in this case is approximately 12,000 pages and petitioner has claimed that the evidence was insufficient to establish his guilt. If Your Honor denies the motion to dismiss, I intend to request a four month extension to address the merits of petitioner's claims.

Thank you for your consideration.

Respectfully submitted,

*Alyson J. Gill*  
Alyson J. Gill  
Assistant Attorney General  
(212) 416-6037

cc (by U.S. Mail): Salvatore Marasa  
147 Margin Drive  
Shirley, New York 11967

*Application granted. Respondent shall file the motion by May 30, 2008, petitioner shall answer it by June 30, 2008, and respondent shall submit any reply by July 15, 2008. If the motion is denied, respondent shall answer the petition within 60 days and respondent shall reply 30 days thereafter.*

120 Broadway, New York, NY 10271 • Fax (212) 416-6010

*SO ORDERED.*

*James C. Francis IV*  
USM TOTAL P.02